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South Carolina House of Representatives

Legislative Update

Robert J. Sheheen, Speaker of the House

Vol. 9

March 24, 1992

No. 10

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MAR 30 1992

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Printed by the Legislative Council

OFFICE OF RESEARCH

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House Week in Review

The House of Representatives gave third reading to H.4500, the 1992-93 State Appropriations bill last Tuesday, but the legislation didn't stay gone for long. On Thursday, the State Senate sent back the \$3.7 billion budget bill to the House, stating it did not like the way the House established its revenue base.

Although the Senate refused to consider the budget bill, the House did not take back the legislation. Speaker Sheheen stated that nothing in the House rules allowed him to accept the unamended bill back from the Senate. Although a letter from Senate Finance Committee Chairman Sen. John Drummond explaining the Senate's objections to the budget bill was accepted as information, H.4500 was sent back to the Senate.

Also on Thursday, H.4160, a bill allowing one minute of voluntary silent prayer in public schools, was placed on the House second reading contested calendar after five objections were lodged against it. The legislation would allow elementary and secondary public school students and their teachers to observe one minute of voluntary silent prayer. The bill states that each public school must set aside the one minute prayer time at the beginning of the school day.

A joint resolution to allow the grounds for divorce to be based on six months of continuous separation was rejected by the House after it failed to get a two-thirds vote for a second time. After the bill failed to get the two-thirds vote required for a proposed constitutional amendment, a motion was made to reconsider the vote, with the House refusing to table the reconsideration motion. The House then adjourned debate on the legislation until March 25.

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Bills Introduced

The following bills were introduced in the House of Representatives last week. Not all the bills introduced in the House are featured here. The bill summaries are arranged according to the House standing committee to which they were referred.

Agriculture, Natural Resources and Environmental Affairs

Rabies Control (S.810, Sen. Land). This legislation rewrites the state statutes on rabies control. Among the provisions of this bill:

- The state Department of Health and Environmental Control would appoint a licensed veterinarian to serve as the public health veterinarian.
- Carnivores, other than domesticated dogs and cats, could not be sold, purchased, donated or transferred. A wild carnivore kept by an individual could not run at large and then be returned to confinement. These prohibitions do not apply to publicly owned zoos or animal dealers licensed by the U.S. Department of Agriculture.
- Requires pets to be inoculated against rabies. Evidence of rabies inoculation would be a certificate signed by a licensed veterinarian. DHEC-sponsored rabies inoculation clinics are encouraged by the bill, with the fee for the shot to be not more than \$3.
- Notification of the county health department if a pet or other animal is bitten by a domesticated or wild animal known or suspected to be infected with rabies. The time frame an animal must be quarantined if it has been bitten by a rabid animal or a suspected rabid animal is outlined in the bill.
- Doctors treating animal bites would have to report the treatment to the county health department by the next working day, giving the name, address and other information about the person bitten. If no doctor is consulted, then the adult or parents or guardian of a minor bitten must report the bite to the county health department by the next working day.

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- The county health department would require the owner of the animal reported to have bitten a person to quarantine the animal for 10 days. The owner must allow a county health department employee to examine the animal and must not have the animal inoculated during the quarantine period. If signs of rabies exist, the department can order the owner to have the head of the animal submitted for testing for rabies. If the animal shows no signs of rabies but has not been inoculated, it must be inoculated at the end of the quarantine period. The owner must bear the expense of the quarantine and laboratory testing.
- Provisions to allow the reduction of the stray and feral (wild) animal population in areas where a rabies outbreak occurs.
- Antirabic vaccine would no longer be furnished by DHEC free of charge. Patients receiving the vaccine would have 30 days to pay DHEC for it.
- Fines for violation of these provision is raised from \$100 to \$200.

Education and Public Works

Business Advertising on Rural Highway Exits (H.4554, Rep. Beasley). This legislation would limit the number of businesses that could be displayed on the information signs at rural highway exits. At single exit interchanges, the number of the business signs on the highway information panels would be limited to six each; at double exit interchanges, three each for each exit.

Special Agricultural License Plates (4579, Rep. Farr). This legislation would allow farmers to obtain three special agricultural license plates to use on farming trucks. The license plates may be interchanged among the farmer's trucks when they are operating on the highway. However, each truck must be individually insured.

The cost of the special agricultural plates would be \$125. In order to qualify for the special licenses, the truck owner must have filed a schedule of farm income and expenses on his most recent income tax.

Tuition Assistance to College Faculty and Staff (H.4580, Rep. Phillips). State-supported colleges, universities and technical colleges would be authorized to provide assistance with educational expenses for its permanent faculty and staff under this legislation. The assistance authorized by the bill would not be considered a perquisite of office or employment, and faculty and staff could not receive assistance for more than three credit hours per semester.

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Sunscreens and Motor Vehicles (S.1310, Sen. J. Verne Smith). This legislation would make changes in the state's motor vehicle sunscreen law. The legislation would allow for darker window tinting on motor vehicles, decreasing the light transmission from not less than 35 percent to not less than 27 percent. Each vehicle equipped with after-factory sun screening devices, whether installed by the consumer or professional tinter, must bear a certificate of compliance. The certificate, to be designed by the State Highway Department, must be displayed on the lower right hand corner of the windshield and must describe the percentage of light transmission, the identity of the installer including name, address and telephone number, and the date of installation. Manufacturers that provide sun screening devices for sale in South Carolina must provide the certificate of compliance.

The bill would allow tinting on windshields, but not below the AS1 line. If the AS1 line is not visible, then no sun screening device could be placed on the windshield. If sun screening devices with not less than 20 percent light transmission are used on the rear-most window, the vehicle must have a right and left outside rearview mirror. Beginning January 1, 1993, any single sun screening device applied to the rear most window of a vehicle must not be less than 27 percent. On January 1, 1993, a vehicle with sun screening devices with not less than 20 percent light transmission but complies with the outside rearview mirror provisions would not be in violation. These provisions would apply to windows behind the drivers of pick-up trucks; however, it does not apply to factory installed sun screening material.

A window tinter who violates these new provisions must be tried in magistrate's court on a misdemeanor charge and fined not less than \$1,000 and/or jailed for not more than 30 days for each offense. A consumer who violates the certificate of compliance provisions is guilty of a misdemeanor, triable in magistrate's court, carrying a fine of \$200 or 30 days in jail for each offense.

Drivers requiring the sun screening for medical reasons must have an affidavit from a physician or optometrist in the vehicle at all times to be shown to a law enforcement officer upon request. The affidavit must be updated every two years.

The State Highway Department is directed to promulgate regulations prescribing the enforcement of this legislation including the procedure and mechanism to measure light transmission. Inspection stations would not be required to test light transmission for purposes of enforcing these provisions.

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Judiciary

Fugitives From Justice (H.4556, Rep. Roger Young). This legislation would prevent a fugitive from justice from registering as a lobbyist or from testifying before any legislative committee, state board or state commission, unless ordered to.

Limitation on Sheriffs (H.4562, Rep. McAbee). Under this legislation, any budget proposal by a local governing body that would result in a reorganization or restructuring of the sheriff's department, limit the duties of the sheriff, or duplicate police protection functions could not take effect unless approved by a county-wide referendum first.

Computer Technology and Data Management Act (H.4565, Rep. Kempe). Under this legislation, state or local governments could provide electronic products and services and exercise proprietary authority over its information management systems. This bill gives state or local governments the authority to establish jointly owned and managed databases or other information management systems. Governments may also enter into agreements to share responsibilities for information management systems. Additionally, state or local governments or agencies could elect to contract out the dissemination of its database products or services to non-profit or for profit entities. These exclusive licensing arrangements would be subject to bid and other procurement regulations; the licensing arrangements would be limited to four years.

State and local agencies could develop user fees for the electronic products and services. The agencies must publish the user fees, which must be based on the actual capital cost of the information management system and the anticipated demand. The user fees would be waived or reduced if the information will be used for a public purpose including teaching, research, journalism, or public agency program support.

The legislation also would change the definition of public record to include "all identifiable information related to the performance, activities, and decisions of public officials or the formation of public policy..." The bill states that when information is digitally stored in computer systems, access must be granted. However, the bill would not require the copying or delivery of entire databases for commercial uses.

Assessment Reports for State Agency Regulations (H.4571, Rep. Wilkins). This legislation would require state agencies to submit assessment reports in connection with agency actions that would have substantial economic impact.

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The assessment report would be an information document that would disclose the effects of a proposed agency action on the economic and social welfare of a community or the state. Information in an assessment report must include: a description of the agency action, the need for the action, the effect of the action on competition, the effect on the cost of living and doing business in the geographical area where the action would occur, the effect of the action on employment, and a conclusion on the short and long term economic impact on the people affected. Agencies would not have to file an assessment report if the action being taken is to conform with federal law, is in connection with emergency situations designated by the governor, are nondiscretionary actions that comply with state statutes, are confidential actions, or are expenditures of money from state trust funds.

Any agency action that must be accompanied by an assessment report must be approved by joint resolution of the General Assembly within 120 days of its submission to the Legislature. If it is not approved within this time frame, the agency action would be considered disapproved.

Traffic Division (H.4581, Rep. Ross). This legislation would establish a division of General Sessions court in each judicial circuit to be known as the "traffic division." All cases involving the unlawful operation of a motor vehicle would be referred to this division. The exceptions would be the offenses of felony DUI, murder, reckless homicide, and manslaughter arising out of the operation of a motor vehicle. These offenses would be tried in General Sessions court.

Offenses referred to the traffic division court must be heard and disposed of within 30 days of the offense. Jurors would be selected in the same manner as jurors for General Sessions court, and circuit judges would preside.

Homicide by Child Abuse (S.1308, Sen. Nell Smith). This bill would create the offense of homicide by child abuse. Homicide by child abuse would occur when a child, under the age of 11, dies in connection with a child abuse or neglect situation and the death occurs under circumstances showing an extreme indifference to human life. This charge could be brought against anyone who knowingly aids another to commit child abuse or neglect that results in a child's death.

This offense would be a felony punishable by a 20 years to life imprisonment. Those convicted of aiding or abetting the crime would face a 10 to 20 year term. In sentencing, the judge could consider any aggravating circumstances including the defendant's past pattern of child abuse or neglect. However, a child's crying would not be considered provocation so as to be considered a mitigating circumstance.

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Labor, Commerce and Industry

Traveling Tent Shows (H.4572, Rep. Hendricks). This bill would repeal that section of state law prohibiting carnivals and traveling tent shows from exhibiting in South Carolina, except county or the state fairs.

Medical, Military, Public and Municipal Affairs

Reexamination of Mental Patients (S.1102, Sen. Bryan). Patients who have been judicially committed to a mental health facility would be entitled to be reexamined on their own petition or the petition of an interested person every six months instead of each year under this legislation.

Health Facility Licenses (S.1106, Sen. Bryan). Under this legislation, the state Department of Health and Environmental Control would have the authority to immediately revoke the operating license of a health facility if the department determines that the practices or conditions at the facility pose an immediate threat to the health and safety of the residents. Within five days of the license revocation, a preliminary hearing must be held to determine if the threat still exists. If it does not, the license must be reinstated. Whether the license is reinstated or remains revoked, DHEC may proceed with the process to permanently revoke the license.

Long Term Care Patients' Rights (S.1110, Sen. Lourie). The refund policy of a long term care facility and the patient's right to choose his own doctor, participate in the planning of his treatment or care, and his right to be fully informed about changes in care and treatment would be guaranteed by state statute if this legislation is enacted. This bill would assure family members and the patient's legal guardian of their immediate access to the resident, unless the resident denies the access. The family members and legal guardian also would have the right to meet with the patient in the facility.